



S T A T E B A R O F M I C H I G A N

p 517-346-6300

p 800-968-1442

f 517-482-6248

www.michbar.org

September 1, 2005

Corbin Davis  
Clerk of the Court  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

306 Townsend Street  
Michael Franck Building  
Lansing, MI  
48933-2083

**RE: ADM File No. 2005-16**  
**Proposed Amendment of Rule 4.101 of the Michigan Court Rules**

Dear Clerk Davis:

At its July 29, 2005 meeting, the Board of Commissioners of the State Bar of Michigan considered the above proposed amendment published for comment. After careful consideration, the Board adopted a position of opposition to the proposal. While recognizing the desirability of procedures that might minimize time unnecessarily spent by police officers in courtroom proceedings, the Public Policy committee in its recommendation of opposition agreed with concerns about the difficulty of adequately explaining the waiver to defendants and consequently, about the effect of the proposal on public perception of the fairness of the court proceedings.

We appreciate the opportunity to offer this position for the Court's consideration. Please contact me with any further questions.

Sincerely,

John T. Berry  
Executive Director

cc: Lynn Richardson, Administrative Counsel, Michigan Supreme Court  
Nancy J. Diehl, President  
Janet Welch, General Counsel